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09/283,120    03/31/99    WAGONER    K    AUTOB.059A

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EXAMINER

CALVE, J

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/283,120

Applicant(s)

WAGONER, Kevin J. et al

Examiner

Jim Calve

Group Art Unit

2164

☒ Responsive to communication(s) filed on Mar 31, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-46 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-46 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14, drawn to an online auction system and method of auctioning a first product with seller parameters, classified in class 705, subclass 37.
  - II. Claims 15-21, drawn to a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met, classified in class 705, subclass 37.
  - III. Claims 22-24, drawn to a proxy bidding method, classified in class 705, subclass 37.
  - IV. Claims 25-31, drawn to a method of calculating a current high bid, classified in class 705, subclass 37.
  - V. Claims 32-37, drawn to method of calculating a new high bid, classified in class 705, subclass 37.
  - VI. Claims 38-40, drawn to an online product auction system, classified in class 705, subclass 37.
  - VII. Claims 41 and 42, drawn to a method and system for consummating a first product sale, classified in class 705, subclass 35.
  - VIII. Claim 43, drawn to a method of searching one or more auctions, classified in class 705, subclass 37.

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- IX. Claim 44, drawn to an event notification method, classified in class 705, subclass 37.
- X. Claim 45, drawn to an event notification method, classified in class 705, subclass 37.
- XI. Claim 46, drawn to an auction notification method, classified in class 705, subclass 37.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention II has separate utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. See MPEP § 806.05(d).

3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention III has separate utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and setting a current high bid larger than the

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third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. See MPEP § 806.05(d).

4. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention IV has separate utility such as providing a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. See MPEP § 806.05(d).

5. Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention V has separate utility such as providing a method of calculating a new high bid by receiving a first, second, third, and fourth bid, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. See MPEP § 806.05(d).

6. Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction

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system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention VI has separate utility such as providing an online auction system with a bid processing module that calculates a new high bid for a first product. See MPEP § 806.05(d).

7. Inventions I and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention VII has separate utility such as providing a method and system for consummating a first product sale by informing an escrow provider of a first auction result and receiving confirmation of an exchange. See MPEP § 806.05(d).

8. Inventions I and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention VIII has separate utility such as providing a method of searching one or more auctions with one or more filtering parameters and displaying auction data as a hypertext link. See MPEP § 806.05(d).

9. Inventions I and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately

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usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention IX has separate utility such as providing an event notification method including receiving one or more auction events and notifying a seller upon occurrence of the one or more auction events. See MPEP § 806.05(d).

10. Inventions I and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention X has separate utility such as providing an event notification method including receiving one or more bid events and notifying a bidder upon occurrence of one or more bid events. See MPEP § 806.05(d).

11. Inventions I and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as providing an online auction system and method including one or more seller parameters and means for modifying seller parameters. Further, Invention XI has separate utility such as providing an auction notification method including receiving one or more auction search criteria and products and identifying one or more product auctions that satisfy the one or more auction search criteria. See MPEP § 806.05(d).

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12. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention III has separate utility, such as providing a method of proxy bidding by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. See MPEP § 806.05(d).

13. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention IV has separate utility, such as providing a method of calculating a current high bid by receiving first, second, third, and fourth bids, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. See MPEP § 806.05(d).

14. Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first



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condition is met. Further, Invention V has separate utility, such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bids, and by setting a new high bid larger than the fourth bid when a first condition is met. See MPEP § 806.05(d).

15. Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention VI has separate utility, such as providing an online product auction system with a microprocessor connected to a storage media and including a first, second, third, and fourth bid with a bid processing module that calculates a new high bid for a first product. See MPEP § 806.05(d).

16. Inventions II and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention VII has separate utility, such as providing a method and system for consummating a first product sale including a bid processing module that determines a winning bidder and an escrow module that informs an escrow service provider. See MPEP § 806.05(d).

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17. Inventions II and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention VIII has separate utility, such as providing an auction searching method that receives one or more filtering parameters, identifies one or more auctions that satisfy those parameters and displays such auction data. See MPEP § 806.05(d).

18. Inventions II and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention IX has separate utility, such as providing an event notification method including receiving a first product from a seller, receiving one or more auction events, and notifying the seller upon occurrence of the one or more auction events. See MPEP § 806.05(d).

19. Inventions II and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention X has separate utility, such as providing an event notification

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method including receiving a first bid from a bidder, receiving one or more bid events, and notifying a bidder upon occurrence of the one or more bid events. See MPEP § 806.05(d).

20. Inventions II and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has utility such as providing a method and system for calculating a current high bid by receiving a first bid and setting a current high bid when a first condition is met. Further, Invention XI has separate utility, such as providing an auction notification method including receiving one or more auction search criteria from a potential bidder, receiving one or more products, and identifying one or more product auctions that satisfy the one or more auction search criteria. See MPEP § 806.05(d).

21. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention IV has separate utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. See MPEP § 806.05(d).

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22. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention V has separate utility, such as providing an a method of calculating a new high bid by receiving first, second, third, and fourth data and by setting a new high bid to a value larger than the fourth bid when a first condition is met. See MPEP § 806.05(d).

23. Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention VI has separate utility, such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. See MPEP § 806.05(d).

24. Inventions III and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding

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method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention VII has separate utility, such as providing a method and system for consummating a first product sale by determining a winning bidder, informing an escrow provider of a sale, and receiving confirmation of an exchange. See MPEP § 806.05(d).

25. Inventions III and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention VIII has separate utility, such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions that satisfy such parameters, and displaying auction data therefrom. See MPEP § 806.05(d).

26. Inventions III and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention IX has separate utility, such as providing an event notification

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method by receiving a first product from a seller, receiving one or more auction events, and notifying a seller upon occurrence of one or more auction events. See MPEP § 806.05(d).

27. Inventions III and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention X has separate utility, such as providing an event notification method of receiving a first bid from a bidder, receiving one or more bid events, and notifying the bidder upon occurrence of the one or more bid events. See MPEP § 806.05(d).

28. Inventions III and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has utility such as providing a proxy bidding method by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the third bid when the first bid is smaller than the third bid and the fourth bid is smaller than the second bid. Further, Invention XI has separate utility, such as providing an auction notification method of receiving one or more auction search criteria from a bidder, receiving one or more products, and identifying one or more product auctions that satisfy the auction search criteria. See MPEP § 806.05(d).

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29. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention V has separate utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. See MPEP § 806.05(d).

30. Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention VI has separate utility such as providing an online product auction system with a microprocessor connected to a storage media, first, second, third, and fourth bids, the fourth bid at least as large as the third bid, and a bid processing module that calculates a high bid for a first product. See MPEP § 806.05(d).

31. Inventions IV and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of

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calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention VII has separate utility such as providing a method and system for consummating a first product sale by determining a winning bidder, informing an escrow provider, and receiving confirmation of a product exchange. See MPEP § 806.05(d).

32. Inventions IV and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention VIII has separate utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions, and displaying one or more auction data as a hypertext link. See MPEP § 806.05(d).

33. Inventions IV and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention IX has separate utility such as providing an event notification method by



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receiving a first product from a seller, receiving one or more auction events, and notifying the seller upon occurrence of the one or more auction events. See MPEP § 806.05(d).

34. Inventions IV and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention X has separate utility such as providing an event notification method by receiving a first bid and one or more bid events from a bidder and notifying the bidder upon occurrence of the one or more bid events. See MPEP § 806.05(d).

35. Inventions IV and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV has utility, such as providing an a method of calculating a current high bid by receiving a first, second, third, and fourth bid, and by setting a current high bid larger than the smaller of the second and fourth bids when a first condition is met. Further, Invention XI has separate utility such as providing an auction notification method including receiving one or more auction search criteria from a bidder, receiving one or more products, and identifying one or more product auctions that satisfy the one or more auction search criteria. See MPEP § 806.05(d).

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36. Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention VI has separate utility such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. See MPEP § 806.05(d).

37. Inventions V and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention VII has separate utility such as providing a method and system for consummating a sale by determining a winning bidder, informing an escrow provider, and receiving confirmation. See MPEP § 806.05(d).

38. Inventions V and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a

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new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention VIII has separate utility such as providing a method of searching one or more auctions in an auction center by receiving one or more filtering parameters, identifying one or more auctions, and displaying one or more auction data in a scrolling ticker. See MPEP § 806.05(d).

39. Inventions V and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention IX has separate utility such as providing an event notification system by receiving a first product from a seller, receiving one or more auction events for a first product auction, and notifying a seller upon occurrence of auction event(s). See MPEP § 806.05(d).

40. Inventions V and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention X has separate utility such as providing an event notification method by receiving a first bid for a first product, receiving one or more bid events for the first product auction, and notifying a bidder upon occurrence of the one or more bid events. See MPEP § 806.05(d).

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41. Inventions V and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V has utility such as providing a method of calculating a new high bid by receiving first, second, third, and fourth bid data, and by setting a new high bid to a value larger than the fourth bid when a first condition is met. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a potential bidder, receiving one or more products, identifying one or more product auctions that satisfy the one or more search criteria, and notifying a potential bidder of the one or more identified auctions. See MPEP § 806.05(d).

42. Inventions VI and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VI has utility such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. Further, Invention VII has separate utility such as providing a method and system of consummating an auction sale by determining a winning bidder, informing an escrow provider of the sale, receiving confirmation of an exchange, and removing the sale from the auction center. See MPEP § 806.05(d).

43. Inventions VI and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VI has utility such as providing an online product

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auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. Further, Invention VIII has separate utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions that satisfy the filtering parameter(s), and displaying one or more auction data in a scrolling ticker on a user terminal. See MPEP § 806.05(d).

44. Inventions VI and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VI has utility such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. Further, Invention IX has separate utility such as providing an event notification method by receiving a first product from a seller, receiving one or more auction events for a first product, and notifying a seller upon occurrence of the one or more auction events. See MPEP § 806.05(d).

45. Inventions VI and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VI has utility such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. Further, Invention X has separate utility such as providing an event notification method by receiving a first bid for a product, receiving one or more bid events for a

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first product, and notifying a bidder upon occurrence of the one or more auction events. See MPEP § 806.05(d).

46. Inventions VI and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VI has utility such as providing an online product auction system with a microprocessor, storage media, and bid processing module that calculates a high bid for a first product. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a bidder, receiving one or more products, identifying one or more product auctions that satisfy the auction search criteria(on), and notifying a potential bidder. See MPEP § 806.05(d).

47. Inventions VII and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VII has utility such as providing a method and system of consummating an auction sale by determining a winning bidder, informing an escrow provider of the sale, receiving confirmation of an exchange, and removing the sale from the auction center. Further, Invention VIII has separate utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions that satisfy the parameter(s), and displaying one or more auction data of the identified auctions in a scrolling ticker. See MPEP § 806.05(d).

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48. Inventions VII and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VII has utility such as providing a method and system of consummating an auction sale by determining a winning bidder, informing an escrow provider of the sale, receiving confirmation of an exchange, and removing the sale from the auction center. Further, Invention IX has separate utility such as providing an event notification method by receiving a first product from a seller, receiving one or more auction events for a first product auction, and notifying the seller upon occurrence of one or more auction events. See MPEP § 806.05(d).

49. Inventions VII and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VII has utility such as providing a method and system of consummating an auction sale by determining a winning bidder, informing an escrow provider of the sale, receiving confirmation of an exchange, and removing the sale from the auction center. Further, Invention X has separate utility such as providing an event notification method by receiving a first bid for a product from a buyer, receiving one or more bid events for a first product auction, and notifying the bidder upon occurrence of one or more bid events. See MPEP § 806.05(d).

50. Inventions VII and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

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separately usable. In the instant case, Invention VII has utility such as providing a method and system of consummating an auction sale by determining a winning bidder, informing an escrow provider of the sale, receiving confirmation of an exchange, and removing the sale from the auction center. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a bidder, receiving one or more products, identifying one or more product auctions, and notifying a potential bidder of said one or more identified product auctions. See MPEP § 806.05(d).

51. Inventions VIII and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VIII has utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions that satisfy the parameter(s), and displaying one or more auction data of the identified auctions in a scrolling ticker. Further, Invention IX has separate utility such as providing an event notification method by receiving a first product from a seller, receiving one or more auction events, and notifying a seller upon occurrence of the one or more auction events. See MPEP § 806.05(d).

52. Inventions VIII and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VIII has utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or



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more auctions that satisfy the parameter(s), and displaying one or more auction data of the identified auctions in a scrolling ticker. Further, Invention X has separate utility such as providing an event notification method by receiving a first bid for a first product from a bidder, receiving one or more bid events, and notifying the bidder upon occurrence of the one or more bid events. See MPEP § 806.05(d).

53. Inventions VIII and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention VIII has utility such as providing a method of searching one or more auctions by receiving one or more filtering parameters, identifying one or more auctions that satisfy the parameter(s), and displaying one or more auction data of the identified auctions in a scrolling ticker. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a bidder, receiving one or more products, identifying one or more product auctions that satisfy the one or more auction search criteria, and notifying a potential bidder of the one or more identified product auctions. See MPEP § 806.05(d).

54. Inventions IX and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IX has utility such as providing an event notification method by receiving a first product from a seller, receiving one or more auction events, and notifying a seller upon occurrence of the one or more auction events. Further,

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Invention X has separate utility such as providing an event notification method by receiving a first bid for a first product in a first product auction from a bidder, receiving one or more bid events, and notifying the bidder upon the occurrence of the one or more bid events. See MPEP § 806.05(d).

55. Inventions IX and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IX has utility such as providing an event notification method by receiving a first product from a seller, receiving one or more auction events, and notifying a seller upon occurrence of the one or more auction events. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a bidder, receiving one or more products, identifying one or more product auctions that satisfy the auction search criteria, and notifying the potential bidder of the auctions. See MPEP § 806.05(d).

56. Inventions X and XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention X has utility such as providing an event notification method by receiving a first bid for a first product in a first product auction from a bidder, receiving one or more bid events, and notifying the bidder upon the occurrence of the one or more bid events. Further, Invention XI has separate utility such as providing an auction notification method by receiving one or more auction search criteria from a bidder, receiving one

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or more products, identifying one or more product auctions that satisfy the search criteria, and notifying a potential bidder of the auction(s). See MPEP § 806.05(d).

57. Because these inventions are distinct for the reasons given above and the search required for any of Groups I-XI is not required for any of the other of Groups I-XI, restriction for examination purposes as indicated is proper and because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

58. A telephone call was made to Mr. Arthur S. Rose, Knobbe, Martens, Olson & Bear, LLP on April 3, 2001, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

59. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim Calve, whose telephone number is (703) 308-1884. The examiner can

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normally be reached on Tuesday through Friday from 6:45 am to 6:45 pm. If the examiner is unavailable, the examiner's supervisor, Vincent Millin, may be reached at (703) 308-1065. The fax number for this organization is (703) 305-9051/9052. Any inquiry of a general nature should be directed to the receptionist at (703) 305-3900.

JPC

JPC

April 3, 2001

  
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